

LAW & MOTION, CIVIL CALENDAR

RULINGS

TIME: 9:00

DATE: DECEMBER 16, 1994

DEPT: 1

JUDGE: GARY W. THOMAS

REPORTER: J. KNETZGER

CLERK: N. Ziliani

CASE NO: 157680

TITLE OF ACTION: CHURCH OF SCIENTOLOGY V. ARMSTRONG

THE DEMURRER AND MOTION TO STRIKE OF SOLINA WALTON ARE OVERRULED AND DENIED, RESPECTIVELY. BOTH MOTIONS ARE LIMITED TO DEFECTS APPEARING ON THE FACE OF THE COMPLAINT OR FROM JUDICIALLY NOTICED MATTERS. (CODE CIV. PROC., §§ 430.30, SUBD. (a), AND 437, SUBD. (a).) DEFENDANT HAS NOT ASKED THE COURT TO TAKE JUDICIAL NOTICE OF ANY MATTERS. NONE OF THE PREJUDICE CLAIMS RAISED BY DEFENDANT APPEAR ON THE FACE OF THE COMPLAINT. (CONTRAST WITH *STAFFORD V. BALLINGER* (1962) 199 CAL.APP.2D 289, 296.) THE ABOVE RULING DOES NOT PRECLUDE CHALLENGE OF THE DOE AMENDMENT PROCEDURE THROUGH SOME OTHER APPROPRIATE METHOD. (SEE, E.G., *SOBECK & ASSOCIATES, INC. V. B & R INVESTMENTS NO. 24* (1989) 215 CAL.APP.3D 861.)

PLAINTIFF'S MOTION FOR LEAVE TO COMPLETE DISCOVERY IS GRANTED. THE NEW DISCOVERY CUTOFF DATE IS MARCH 16, 1995.

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